

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**DEMOND DUNSON,)
Plaintiff,)
vs.) **Civil Case No. 06-482-DRH-PMF**
DR. ELYEA, et al.,)
Defendants.)**

REPORT AND RECOMMENDATION

FRAZIER, Magistrate Judge:

Before the Court is a *sua sponte* recommendation that plaintiff's claim against defendant Dr. Jatala be dismissed for lack of prosecution.

Plaintiff is challenging the conditions of his confinement at Big Muddy Correctional Center. His remaining claim is that defendant Dr. Jatala improperly treated his bipolar disorder and depression by substituting ineffective medicine (Prozac) for effective medicine ((Zoloft and Resperadol). Defendant Dr. Jatala waived service of process on February 21, 2007 (Doc. No. 20). He did not file a timely response to the Complaint.

Plaintiff was released from prison confinement in August, 2007.

On November 2, 2007, a deadline was set for plaintiff to either request entry of default and default judgment against defendant Dr. Jatala or show cause why the claim should not be dismissed for lack of prosecution. A copy of the order was sent to plaintiff at the address he provided to the Clerk. The deadline expired several months ago. Plaintiff made no effort to seek entry of default or default judgment and also made no effort to show why he failed to pursue his claim against

defendant Jatala. The only reasonable inference to be drawn from these circumstances is that plaintiff has abandoned the claim following his release from confinement.

IT IS RECOMMENDED that plaintiff's claim against defendant Dr. Jatala be DISMISSED for want of prosecution. If this recommendation is adopted, no claims will remain for decision.

SUBMITTED: May 19, 2008

s/Philip M. Frazier

PHILIP M. FRAZIER

UNITED STATES MAGISTRATE JUDGE